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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,232	07/14/2000	Tadeusz J. Drwiega	91436-255	5380
22463	7590	05/20/2004	EXAMINER	
SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			NGUYEN, VAN KIM T	
			ART UNIT	PAPER NUMBER
			2661	8

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/617,232

Applicant(s)

DRWIEGA ET AL.

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-10 is/are allowed.
- 6) ☒ Claim(s) 1 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to communications filed on March 9, 2004.

Claims 14 and 19 are withdrawn from further consideration.

Claims 1-13, 15-18, and 20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 11-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yin et al (US 6,353,616), in view of Golden et al (US 6,563,793).

Regarding claims 1, 3, 5 and 15- 18, as shown in Figs. 1-8, Yin discloses a method for changing a reserved capacity for a given tunnel comprising: receiving an indication of traffic demand (steps 32, 34, 54, 70, 84, 100; col. 5: lines 17-22, and 56-60) for a tunnel through a network, where along the current path are nodes; based on the received indication, determining an estimated total capacity requirement (step 56, 36, 42, 48; col. 5: lines 60-62); comparing the estimated total capacity requirement to the reserved capacity (steps 38, 44, 50, 58, 60, 72, 86, 102; col. 5: line 66 – col. 6: line 12); responsive to determining through the comparing, that the estimated total capacity requirement exceeds the reserved capacity, requesting an increase of the reserved capacity (steps 74, 88, 104; col. 8: lines 28-31).

Regarding claim 2, Yin also discloses when the reserved capacity exceeds the estimated total capacity requirement, requesting a decrease to the reserved capacity (col. 8: lines 63-64).

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Regarding claim 11, Yin also discloses the indication of traffic demand comprises receiving an indication of tunnel capacity in use by serviced requests (steps 38, 44, 50, 56, 58, 72, 86, 102); and receiving an indication of tunnel capacity refused admission to the tunnel (steps 40, 46, 52, 64, 78, 92, 108).

Regarding claim 12, Yin also discloses the increase of the reserved capacity comprises a difference between the reserved capacity and the estimated total capacity requirement (col. 8: lines 32-41).

Regarding claim 13, Yin also discloses the increase of reserved capacity comprises a difference between the reserved capacity and a sum of the estimated total capacity requirement and a buffer value (col. 9: line 62 – col. 10: line 36).

However, Yin does not explicitly call for transmitting a capacity increase request to the nodes along the current path.

As shown in Figures 1-18, Golden teaches a method and apparatus for identifying a path within a network that satisfied a QoS/CoS requirement and reserves the requested resources all along the path from beginning to end (cols. 7-24, esp. col. 8: lines 26-46; col. 12: lines 56-65; col. 13: lines 10-20).

Since it is highly desirable to allocate sufficiently and efficiently resources for high-speed communications with different traffic characteristics and QoS/CoS requirements, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Golden's method of allocating/reserving resources along a path from beginning to end to Yin's system, motivated by the need to support a wide variety of services and applications, satisfy a range of user quality needs, and improve network performance.

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Allowable Subject Matter

Claims 4-10 are allowed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See previous Office Action for Reason for Allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rexford et al (US 6,633,544); Zadikian et al (US 6,631,134); Cinkler (US 6,628,618); Lee (US 6,556,544); Ben-Ami (US 6,301,267); Daley et al (US 6,256,309); Benmohamed et al (US 6,240,463); Box et al (US 5,787,271); Iwakawa et al (US 5,583,860).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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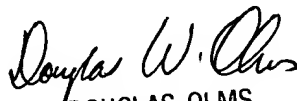
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vkn


DOUGLAS OLMS
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